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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NEWTON, JARED W

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,002	Applicant(s) SARGISIAN, ARAM	
	Examiner Jared W. Newton	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 2 and 3 are objected to because of the following informalities: The recitation in the second to last lines of each claim, "...said upper received_u aperture..." should be changed to "...said upper receiver_u aperture..." Appropriate correction is required.

Claim Rejections - 35 USC § 103

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,131,018 to Troutman in view of U.S. Patent No. 4,745,791 to Fish.

Troutman discloses a traversing jack comprising a central support mounting member 20 having an upper surface containing an upper receiver perforation or aperture 19 as shown in Figure 2; a screw guide way member or bracket 14 removably screwed into said receiving perforation 19; said screw guide comprising a pedestal mounting block with an inner threaded bore 15; an outer threaded neck 16 of a pedestal engaging said inner threaded bore 15, said pedestal having an upper end attached to a V-shaped support channel 23 (see FIGS. 1 and 2). Troutman does not disclose first and second support members having inner surfaces with inner attachment extensions, said extensions being connected to said central cross support member. Fish discloses an assembly for supporting automobiles comprising side support members 8 and 9 and a cross support member 6; said side support members comprising inner attachment

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extensions 14 and 16 adapted to slidably engage cross support members 4 and 6 (see FIG. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to support the central support mounting member, pedestal, bore, and V-shaped support channel as disclosed by Troutman with the frame assembly as disclosed by Fish, so that the portion of the jack apparatus of Troutman was supported between the frame members of Fish. The motivation for supporting the jack apparatus with a wider base would be to distribute the load of the article being supported about a larger area of the surface underneath said base. It is well known and obvious in the art of vehicle jacks and supports to employ a wide base so as to avoid concentration of a load at a singular point.

In regard to claims 2 and 3, Troutman in view of Fish discloses a device including all of the limitations of claim 1 as set forth above. Fish further discloses said first support members having lower surfaces and end caps 22 on first and second ends, said inner attachments having aligned bolt holes with cross support member (see FIG. 3); further comprising said cross support member having bolt holes, and a larger cross-sectional area than said inner attachment extensions, so as to slidably receive said attachments so that the respective bolt holes of said inner attachment and said cross support align with each other. Troutman further discloses the jack assembly as set forth above, further comprising a pedestal including an outer threaded neck adapted to threadably engage said inner threaded bore of said pedestal mounting block, said pedestal further comprising upper and lower portions, said upper portion including a V-shaped channel with an inner trough surface adapted to support various articles (see FIG. 1). It would

have been obvious to one of ordinary skill in the art at the time of the invention to combine the features of the frame as disclosed by Fish with the jack assembly as disclosed by Troutman. The motivation for said combination would be to provide a means of raising and supporting a variety of different sized and shaped velocipedes, while being able to easily disassemble and relocate said means.

In regard to the limitation of using a bolt secured by a washer and a nut, the examiner takes official notice that it is well known in the art pertaining to fastening means to use a bolt, washer, and nut to secure two framing members to each other. Fish discloses the use of pins 19 to secure the two frame members 6 and 16. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a nut and bolt in place of said pins.

Allowable Subject Matter

Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

The remarks filed on October 17, 2005 under 37 CFR 1.131 and in regard to claims 1-3 have been considered but are ineffective to overcome the Troutman in view of Fish references advanced above.

Applicant's arguments point to "...said cross support member having an upper surface containing an upper receiver aperture; a mounting bracket removably attached to said cross support member, said mounting bracket having a pedestal mounting block

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with an inner threaded bore oriented over said receiver aperture...” on lines 6-10 of claim 1. Figure 4 of the Troutman reference clearly shows the main support member 20 comprising an upper receiver aperture 19 into which the pedestal mounting member 14 is removably inserted. Figure 4 further shows the inner threaded bore of the mounting member is oriented over the aperture of the cross support member so that the threaded pedestal extends into the base support member 20 according to Troutman. During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, USPQ 541, 550-51 (CCPA 1969). In regard to claims 1-3, the applicant has not amended nor clarified the claim in such a way so as to overcome the features of Troutman.

A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. *Wang Laboratories Inc. v. Toshiba Corp.*, USPQ2d 1767 (Fed. Cir. 1993). Both the Troutman and Fish references address the problem of lifting and supporting large objects such as vehicles. Neither reference specifies the lifting or supporting of motorcycles; however each reference would have commended itself to the inventor's attention in considering the problem at hand of supporting a motorcycle. While Patent Office classification of references and the cross-references in the official search notes of

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the class definitions are some evidence of "nonanalogy" or "analogy" respectively, the court has found "the similarities and differences in structure and function of the inventions to carry far greater weight." *In re Ellis*, USPQ 526, 527 (CCPA 1973).

Although the Troutman and Fish references are not in the same class as the present invention (211/17: Velocipede Type supports or racks), they do bear similar structure to the present invention.

The remarks filed on October 17, 2005 under 37 CFR 1.131 and in reference to claims 4 and 5 are sufficient to overcome the Troutman in view of Fish in further view of Armstrong and Barnawell references. Examiner recognizes that there is not suggestion nor teaching that the claimed form of the Armstrong and Barnawell references could or should be used to secure the pedestal mounting block over the upper receiver aperture of a cross support member.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

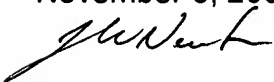
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWN

November 8, 2005



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER